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NOTIFICATION.

No. 6564—L.A. Bangalore, dated 19th March 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore House Rent and Accommodation Control Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

MYSORE LEGISLATIVE ASSEMBLY

Budget Session, March—April 1951.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE HOUSE RENT, AND ACCOMMODATION CONTROL BILL, 1951.

(*Presented on 16th March 1951*).

We, the members of the Select Committee to which the Mysore Rent and Accommodation Control Bill, 1951, was referred, have examined in detail the several provisions of the Bill and have the honour to submit the following report.

Clause 1.—We consider it unnecessary to set any time limit for the duration of the measure as the Act can be repealed at any time. We accordingly recommend that the words "and shall remain in force up to and inclusive of the 31st day of December 1955" in sub-clause (3) may be omitted.

Clause 2.—Item (2).—As there may be cases where the Court of the Munsiff having jurisdiction in the area may not have time or may be otherwise unable to dispose of cases under this measure, we recommend that the following words may be added at the end of the definition:—

> "or a court of such other munsiff specially authorised by the State Government by notification in the *Mysore Gazette* in this behalf."

Item (4)—As the word 'building' is comprehensive and includes 'hut,' we recommend that the words 'or hut' wherever they occur in this item may be omitted.

In clause (*b*) of this item we recommend that for the words "furniture," the words "furniture or fittings" may be substituted.

Item (6).—As it is necessary to include the Trust Boards also within the meaning of " the local authority" we recommend that the words " or a Trust Board " may be added after the words " City of Bangalore Municipal Corporation " and the words " as the case may be " may be added at the end of the definition.

New Definition.—We recommend that a new definition may be added as follows.—

" schedule " means a schedule to this Act."

Clause 3.—We have examined the provisions of this clause carefully and we are of opinion that the corresponding provisions of the existing Mysore House Rent and Accommodation Control Order, 1948, which have proved to be very satisfactory in working may be adopted in place of the existing provisions. We accordingly recommend that clause 3 may be recast as follows :—

" 3(1) The provisions of this section shall apply in relation to houses within the areas specified in the Second Schedule.

(2) (*a*) Whenever any house the monthly rent of which exceeds fifteen rupees in the cities of Bangalore and Mysore and ten rupees elsewhere, becomes vacant either by the landlord ceasing to occupy the house or by the termination of a tenancy or by the eviction of a tenant or by the release of the house from requisition or otherwise, the landlord shall, within seven days of the house becoming vacant, give intimation in writing to the Controller.

(*b*) Every intimation given under clause (*a*), shall contain such particulars as may be prescribed.

(3) If within ten days of the receipt by the Controller of a notice under sub-section (2), the Controller does not intimate the landlord in writing that the house is required for the purposes of the State Government or of the Central Government, or of the Government of any other State, or of any local authority or Public body, or of any educational or other public institution or for the occupation of any officer of any Government, authority, body or institution aforesaid, or for the occupation of any other person, for such period as shall be specified in the notice and that the possession of the house shall be delivered to the Government, authority, body, institution, officer or person concerned, the landlord shall be at liberty to let the house to any person, or if the Controller, on application

made by the landlord, permits the landlord to do so, to occupy the house himself:

Provided that the Controller shall, before requiring the house for any of the purposes specified in this sub-section, take into consideration any representation made by the landlord requiring the house *bona fide* for his own occupation or about the suitability of the proposed tenant:

Provided further that nothing in this sub-section shall apply in respect of any house, the possession of which has been obtained by the landlord on the basis of an order made under sub-section 3 of section 8 or in respect of any house which has been released from requisition for the occupation and use of the landlord himself.

(4) Upon the service of an order under sub-section (3), the landlord shall deliver possession of the house to the Government, authority, body, institution, officer or person concerned and such Government, authority, body, institution, officer or person shall be deemed to be the tenant of the landlord, with effect from the date on which the Controller received notice under sub-section (2), the terms of the tenancy being such as may be agreed upon between the landlord and the tenant, or in default of agreement as may be determined by the Controller:

Provided that the rent payable shall not exceed the fair rent which may be payable for the house under the provisions of this Act.

(5) If any person refuses or fails to comply with a notice under sub-section (3), requiring delivery of possession of a house, then, without prejudice to any action against him in respect of such contravention, the Controller may take possession of the house and may, for that purpose, use such force as may be necessary.

(6) Any house taken on lease by the State Government under this section may be put to any such use as the State Government thinks fit, and in particular, the State Government may permit the use of the house for the purposes of any public institution or of a local authority or of the Central Government or of any other State Government or as a residence by any officer in the service of the State Government or of the Central Government or of any other State Government or of a local authority.

Clause 4. (1).—In order to prevent belated applications being filed under this clause, we recommend that in

sub-clause (1), a second proviso may be added as follows :—

"Provided further that no application for fixation of fair rent shall be entertained if preferred after a period of three months from the date of commencement of the tenancy or from the date of enhancement of rent, if any, demanded or paid."

Sub-clauses (*4*) and (*5*).—In order that the proviso to sub-clause (4) may be made applicable even to cases filed under sub-clause (3) and to exclude cases filed under sub-clause (5) from the purview of this proviso, we recommend that the proviso may be omitted and sub-clause (5) may be recast as follows :—

"(5) In the case of a house which has been constructed after the first day of April 1942, the fair rent fixed shall not exceed six per centum per annum on the capital cost of the house and in the case of any other house, the fair rent fixed, shall not exceed four per centum per annum of the current market value of the house."

We recommend that sub-clause (6) may be deleted in view of the amendment proposed to the definition of the word 'house'.

Clause 5 (*1*).—In view of the amendment proposed to clause 3 it is unnecessary to refer to leases of the State Government and we accordingly recommend that the words "or is leased to the State Government" and "or of the State Government as the case may be" may be omitted.

We are of the opinion that an increase in fair rent should be permitted in cases where there is an increase in the rental value as entered in the property tax assessment book of a local authority. We therefore recommend that before the proviso to this sub-section, the following words may be inserted.—

"or the rental value as entered in the property tax assessment book of the local authority has been increased."

We further recommend that the proviso to this sub-section may be recast as follows:—

"Provided that an increase in fair rent under this sub-section shall be fixed having regard to the said

increase in the rental value, and in the case of any addition, improvement or alteration, not exceeding six per centum per annum on the cost of such addition, improvement or alteration, and it shall not be chargeable until such addition, improvement or alteration has been completed."

Sub-Clause (2) We recommend that the proviso to this sub-clause may be omitted.

Clause 6.—In item (*c*) of this clause, we recommend that for the words " by the tenant whether before or after the first day of July 1948 ", the words " by the tenant within three months prior to the date of the application for the fixation of fair rent ' may be substituted.

Clause 7.—In sub-clause (1) of this clause for the words " Every landlord shall ", we recommend that the words " Every landlord may, and at the request of the tenant shall " may be substituted.

Clause 8.—In the first proviso to sub-clause (1) of this clause we recommend that the words " or that the claim is unfounded " may be omitted.

Sub-clause (2).—We recommend that this sub-clause may be recast on the lines of the existing Mysore House Rent and Accommodation Control Order, 1948, as follows:

" (2) A landlord who seeks to evict a tenant in possession shall apply to the court for a direction in that behalf. If the court, after giving the tenant a suitable opportunity of showing cause against such application, is satisfied.—

(i) that the tenant has not tendered or paid the rent due by him in respect of the premises within the time fixed in the agreement of tenency with the landlord, or in the absence of any such agreement, by the 15th day of the month next following that for which the rent is payable, and is not ready and willing to pay the arrears of rent due with such penalty not exceeding ten per centum thereon as may be fixed by the court ; or

(ii) that the tenant is not ready and willing to pay the fair rent of the house for such period thereafter as he may continue to be in possession ; or

(iii) that the tenant has after the commencement of this Act without the written consent of the landlord—

(*a*) transferred his right under the lease or sublet the entire premises or any portion thereof; or

(*b*) used the premises for a purpose other than that for which it was leased; or

(iv) that the tenant has committed such acts of waste as are likely to impair materially the value or utility of the house; or

(v) that the tenant has without the landlord's consent in writing erected on the house or any portion thereof any permanent structure; or

(vi) that the tenant or any person residing with the tenant has been guilty of such acts and conduct as amounts to nuisance or annoyance to the adjoining or neighbouring occupiers or has been convicted of using the house or allowing the house to be used for immoral or illegal purposes; or

(vii) that the tenant has given notice to quit and in consequence of that notice the landlord has contracted to sell or let the house or has taken any other steps, as a result of which he would, in the opinion of the Court be seriously prejudiced if he could not obtain possession of the house; or

(viii) that the house was let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment; or

(ix) that the house is reasonably and *bona fide* required by the landlord for carrying out repairs which cannot be carried out without the house being vacated; or

(x) that where the house contains some vacant land such land is reasonably and *bona fide* required by the landlord for the erection of a new residential building; or

(xi) that the house has not been used without reasonable cause for the purpose for which it was let for a continuous period of three months immediately preceding the date of application; or

(xii) that the tenant after the commencement of this Act, has built, acquired vacant possession of or been allotted to a suitable house; or

(xiii) that the tenant has denied the title of the landlord or claimed the right of permanent tenancy and that such denial or claim is not *bona fide*,

the court shall make an order directing the tenant to put the landlord in possession of the house and if the court is not satisfied, it shall make an order rejecting the application."

Sub-clause 3.— We recommend that this sub-clause may be recast as follows :—

"(3) (*a*) A landlord may also apply to the court for an order directing the tenant to put him in possession of a house in the following cases : —

(i) if the house, being a residential building, if required for the *bona fide* occupation of the landlord and he is not already occupying another residential building of his own in the same city, town or other area concerned,

(ii) if the house, being a non-residential building, is required for a business which the landlord is carrying on or which he intends to start and he is not already in occupation for purposes of such business of a non-residential building of his own in the same city, town or other area concerned.

(*b*) The court shall, if it is satisfied that the claim of the landlord is *bona fide* and that the house so required is necessary for his present requirements, make an order directing the tenant to put the landlord in possession of the house on such date as may be specified by the court and if the court is not so satisfied, it shall make an order rejecting the application :

Provided that the court may give the tenant a reasonable time for putting the landlord in possession of the house and may extend such time so as not to exceed three months in the aggregate".

We recommend that after sub-clause (4) the following new sub-clauses may be inserted and sub-clauses (5) and (6) suitably renumbered :—

"(5) (*a*) The court shall while passing an order of eviction on the ground specified in clause (ix) of

sub-section (2) ascertain from the tenant whether he elects to be placed in occupation of the house or part thereof from which he is to be evicted and if the tenant so elects shall record the fact of such election in the order and specify in the order the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs.

(*b*) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of work of repairs, place the tenant in occupation of the house or part thereof on the original terms and conditions without prejudice however to the landlord's claim for enhancement of rent, if any, admissible under this Act in view of the repairs effected to the house.

(*c*) If, after the tenant had delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs within one month of the specified date or fails to complete the work within a reasonable time or having completed the work fails to place the tenant in occupation of the premises in accordance with clause (*b*), the court may on the application of the tenant made within one year of the specified date, order the landlord to place him in possession of the house or part thereof on the original terms and conditions and on such an order being made, the landlord or any person who may be in occupation shall give vacant possession to the tenant of the house or portion thereof.

(6) Where an order of eviction has been passed by the court on the ground specified in clause (x) of sub-section (2) and work of erection has not commenced within a period of one month from the date the landlord recovers possession of the house or the house is re-let within one year of the said date to any person other than the original tenant, the court may, on the application of the original tenant made within one year of such date, order the landlord to place him in occupation of the house on the original terms and conditions and on such order being made, the landlord and any person who may be in occupation of the house, shall give vacant possession to the original tenant."

Sub-clause (5) renumbered as sub-clause (7).—We recommend that the compensation may be fixed at a maximum of 100 rupees and we therefore recommend that for the words "fifty rupees" the words "one hundred rupees" may be substituted.

New sub-clause.—We recommend that after sub-clause (5) renumbered as sub-clause (7), the following new sub-clause may be added as sub-clause (8), and the existing sub-clause (6) may be renumbered as sub-clause (9).—

"(8) The court may in its discretion in proceedings for eviction under this section, direct that the tenant shall deposit in court such arrears of rent as are admittedly due and such rent as may fall due from time to time during the pendency of the proceedings."

Sub-clause (6) renumbered as sub-clause (9).—We recommend that the following words may be added at the end :—

"which have arisen after the filing of the last application."

Clause 9.—We recommend that at the end of the clause the following new sub-clause may be added as follows :—

"(5) If the tenant satisfies the court that the amenities were cut off or withheld with a view to compelling him to vacate the house or to pay an enhanced rent, the court may pass an interim order directing the landlord to restore the amenities pending enquiry referred to in sub-section (3), within such time as may be specified in the order and on his failure to do so, the tenant may effect such restoration and deduct the cost thereof from the rent or otherwise recover it from the landlord."

Clause 10.—In view of the amendment recommended in the definition of the word 'court', we recommend that this clause may also be amended by inserting the following words after the word 'court':—

"of the Munsiff having jurisdiction in such area."

Clause 13(1).—We recommend that the words, "except in cases where the tenant has undertaken by agreement to keep the house in repair" may be omitted.

Clause 15(3).—We recommend that the following explanation be added to this sub-clause :—

"*Explanation.*—The District Judge may, while confirming the order of eviction passed by the court,

grant extension of time to the tenant for putting the landlord in possession of the building."

Clause 15(4).—We recommend that in place of the existing sub-clause, the following sub-clause may be substituted :—

"(4) Subject to any decision of the High Court under section 17, the decision of the District Judge shall be final; and an order of the court or the Controller, shall, subject to the decision of the District Judge under this section or of the High Court under section 17, be final and shall not be liable to be called in question in any court of law whether in a suit or other proceedings or by way of appeal or revision."

Clause 16.—We recommend that the words "referred to in section 15" may be omitted.

Clause 21.—We recommend that for the words "The executive authority of a local authority", the words "Every local authority" may be substituted.

Clause 24.—We are of the opinion that the power to impose simple imprisonment for the contravention of the provisions of this Act is unnecessary and it should be sufficient to punish such contravention by the imposition of fine. We therefore recommend that the words "with simple imprisonment for a term which may extend to three months or" and "with both" may be omitted.

Clause 25 (2).—We recommend that after item (*d*) the following new sub-clause may be added :—

"(*e*) imposition of the levy of fees in respect of applications, petitions, memo of appeal and other processes under this Act."

New Clause 26.—We recommend that after clause 25 the following new clause may be inserted :—

"26. In matters not specifically provided for by this Act or by rules made thereunder, the provisions of the Code of Civil Procedure, 1911, shall be followed as far as possible in proceedings under this Act."

Clause 26 may be renumbered as clause 27.

In view of the proposed amendment to clause 1, we recommend that clause 27 may be deleted.

New Clause 28.—We recommend that the following may be added as clause 28 after clause 27 :—

"The Government may, by notification in the *Mysore Gazette*, add to or omit or otherwise amend the schedules to this Act."

Clause 28 may be renumbered as 29.

The Bill was published in the *Mysore Gazette* Extraordinary dated 12th January 1951.

In our opinion the Bill has not been so altered as to require re-publication.

K. T. Bhashyam (*Chairman*).
Muddu Ramiah.
W. H. Hanumanthappa.
M. N. Jois.
K. Sampangi Ramiah.
T. Ramachar.
M. Muniswamy.
V. S. Narayana Rao.
B. M. Shamanna Gowda.
S. Ranga Rao.
M. Madiah, 4th March 1951.
B. C. Nanjundaiya, 7th March 1951.

BANGALORE,
Dated 23rd Feb. 1951.

Sri G. Veerappa has not indicated his approval to the report.

THE MYSORE HOUSE RENT AND ACCOMMODATION CONTROL BILL, 1951.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title, extent, application, commencement and duration.
2. Definitions.
3. Lease to State Government of houses becoming vacant.
4. Determination of fair rent.
5. Lawful increase of or addition to or reduction in fair rent in what cases admissible.
6. Landlord not to claim anything in excess of fair rent.
7. Issue of receipts for rent.
8. Eviction of tenants.
9. Landlord not to interfere with amenities enjoyed by the tenant.
10. Execution of orders.
11. Decisions which have become final not to be reopened.
12. Conversion of residential houses.
13. Landlord's duty to keep house in good repair.
14. Orders to be pronounced in open court.
15. Appeal to the District Judge.
16. Costs.
17. Revision by the High Court.
18. Orders under the Act to be binding on sub-tenants.
19. Proceedings by or against legal representatives.
20. Exemptions.
21. Executive authorities of local authorities to furnish certified extracts from property tax assessment books.
22. Landlord and tenant to furnish particulars.
23. Power to evict from Government build ngs.
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Clauses.

25. Power to make rules.

26. Code of Civil Procedure to be followed in proceedings under the Act.

27. Continuance in force of existing proceedings, orders, etc.

28. Amendment of Schedules.

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First Schedule.

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[AS AMENDED BY THE SELECT COMMITTEE.]

(Words underlined or sidelined indicate the changes suggested by the Committee. Omissions are indicated by asterisks.)

THE MYSORE HOUSE RENT AND ACCOMMODATION CONTROL BILL, 1951.

A Bill to regulate the leasing of houses and for control of rent in the State of Mysore.

WHEREAS it is expedient to regulate the letting of residential and non-residential houses and to control the rents of such houses and to prevent unreasonable eviction of tenants therefrom in the State of Mysore; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore House Rent and Accommodation Control Act, 1951. Short title, extent, application, commencement and duration.

(2) It extends to all the areas to which the Mysore House Rent and Accommodation Control Order, 1948, was extended and to such other areas in the State as the State Government may, from time to time, specify by notification in the *Mysore Gazette*; but save as provided in Section 23, it shall not apply—

(*a*) to any house belonging to the State Government or the Central Government; or

(*b*) to any tenancy or other like relationship created by a grant from the State Government in respect of houses taken on lease or requisitioned by the State Government.

(3) It shall come into force at once.

* * *

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "Controller" means, in respect of any local area, any person appointed by the State Government to perform the functions of the Controller, under this Act in such area;

(2) "court" means in respect of any local area, the court of the munsiff having jurisdiction in such area; or a court of such other munsiff specially authorised by the State Government by notification in the *Mysore Gazette* in this behalf;

(3) "fair rent" means the fair rent fixed under section 4;

(4) "house" means, in the areas specified in the First Schedule, any building * or part of a building * let or to be let separately, for residential or non-residential purposes, and elsewhere, any building * or part of a building * let or to be let only for residential purposes and includes—

(*a*) the garden, grounds and out-houses, if any, appurtenant to such building, * or part of such building * and let or to be let along with such building;

(*b*) any furniture or fittings supplied by the land-lord for use in such building * or part of a building * but does not include a room in a hotel or boarding house;

(5) "land-lord" includes the person who is receiving or is entitled to receive the rent of a house, whether on his own account or on behalf of another or on behalf of himself and others, or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the house were let to a tenant;

Explanation.—Any person who sub-lets shall be deemed to be a land-lord within the meaning of this Act.

(6) "local authority" means the City of Bangalore Municipal Corporation or a Trust Board or a District Board or a City Municipal Council or a Town Municipal Council or a Minor Municipal Council or a Sanitary Board or a Town Board or a Village Panchayet as the case may be;

(7) "prescribed" means prescribed by rules made under this Act;

(8) "schedule" means a schedule to this Act.

(9) " tenant " means any person by whom or on whose account rent is payable for a house and includes a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a house by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter-house or of rents for shops has been framed out or leased by a local authority.

Lease to State Government of houses becoming vacant.

3. (1) The provisions of this section shall apply in relation to houses within the areas specified in the Second Schedule.

(2) (*a*) Whenever any house the monthly rent of which exceeds fifteen rupees in the Cities of Bangalore and Mysore and ten rupees elsewhere, becomes vacant either by the land-lord ceasing to occupy the house or by the termination of a tenancy or by the eviction of a tenant or by the release of the house from requisition or otherwise, the land-lord shall, within seven days of the house becoming vacant, give intimation in writing to the Controller.

(*b*) Every intimation given under clause (*a*), shall contain such particulars as may be prescribed.

(3) If within ten days of the receipt by the Controller of a notice under sub-section (2), the Controller does not intimate the landlord in writing that the house is required for the purposes of the State Government or of the Central Government or of the Government of any other State, or of any local authority or public body, or of any educational or other public institution or for the occupation of any officer of any Government, authority, body or institution aforesaid, or for the occupation of any other person, for such period as shall be specified in the notice and that the possession of the house shall be delivered to the Government, authority, body, institution, officer or person concerned, the landlord shall be at liberty to let the house to any person, or if the Controller, on application made by the landlord, permits the landlord to do so, to occupy the house himself:

Provided that the Controller shall, before requiring the house for any of the purposes specified in this sub-section, take into consideration any representation made

by the landlord requiring the house *bona fide* for his own occupation or about the suitability of the proposed tenant:

Provided further that nothing in this sub-section shall apply in respect of any house the possession of which has been obtained by the landlord on the basis of an order made under sub-section (3) of section 8 or in respect of any house which has been released from requisition for the occupation and use of the landlord himself.

(4) Upon the service of an order under sub-section (3), the landlord shall deliver possession of the house to the Government, authority, body, institution, officer or person concerned and such Government, authority, body, institution, officer or person shall be deemed to be the tenant of the landlord, with effect from the date on which the Controller received notice under sub-section (2), the terms of the tenancy being such as may be agreed upon between the landlord and the tenant, or in default of agreement as may be determined by the Controller:

Provided that the rent payable shall not exceed the fair rent which may be payable for the house under the provisions of this Act.

(5) If any person refuses or fails to comply with a notice under sub-section (3), requiring delivery of possession of a house, then, without prejudice to any action against him in respect of such contravention, the Controller may take possession of the house and may, for that purpose, use such force as may be necessary.

(6) Any house taken on lease by the State Government under this section may be put to any such use as the State Government thinks fit, and in particular, the State Government may permit the use of the house for the purposes of any public institution or of a local authority or of the Central Government or of any other State Government or as a residence by any officer in the service of the State Government or of the Central Government, or of any other State Government or of a local authority.

* * *

Determination of fair rent.

4. (1) The Controller may, in any case, and shall, on the application of the tenant or landlord of a house, fix the fair rent for such house after holding such enquiry as the Controller thinks fit:

Provided that if rent had been agreed upon between the landlord and the tenant for a specific period either

by a written agreement or otherwise prior to the sixteenth day of June, 1942, in the case of a house let for residential purposes, or the seventeenth day of September, 1944, in the case of a house let for non-residential purposes, such rent shall not be altered during such period, unless the Controller is satisfied that unfair advantage has been taken by the landlord of the needs of the tenant to obtain such agreement :

Provided further that no application for fixation of fair rent shall be entertained if preferred after a period of three months from the date of commencement of the tenancy or from the date of enhancement of rent, if any, demanded or paid.

(2) In fixing the fair rent under sub-section (1), the Controller shall have due regard—

(*a*) to the prevailing rates of rent in the locality for the same or similar house in similar circumstances during the twelve months prior to the first day of April, 1942 ;

(*b*) to the rental value as entered in the property tax assessment book of the local authority relating to the period mentioned in clause (*a*);

(*c*) to the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to rent after the first day of April, 1942.

(3) In fixing the fair rent of residential houses, the Controller may allow—

(i) if the rate of rent or rental value referred to in sub-section (2) does not exceed Rs. 25 per mensem, an increase not exceeding $33\frac{1}{3}$ per centum on such rate or rental value;

(ii) if the rate of rent or rental value exceeds Rs. 25 per mensem but does not exceed Rs. 50 per mensem, an increase not exceeding 50 per centum on such rate or rental value ;

(iii) if the rate of rent or rental value exceeds Rs. 50 per mensem, an increase not exceeding 75 per centum on such rate or rental value.

(4) In fixing the fair rent of non-residential houses, the Controller may allow—

(i) in the case of hotels, cinema theatres and other places of amusement, an increase not exceeding 200 per centum on the rate of rent or rental value referred to in sub-section (2);

(ii) in other cases an increase not exceeding 150 per centum on the rate of rent or rental value referred to in sub-section (2).

* * *

(5) In the case of a house which has been constructed after the first day of April, 1942, the fair rent fixed shall not exceed six per centum per annum on the capital cost of the house and in the case of any other house, the fair rent fixed, shall not exceed four per centum per annum of the current market value of the house.

* * *

Lawful increase of or addition to or reduction in fair rent in what cases admissible.

5. (1) When the fair rent of a house has been fixed under section 4, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and if the house is then in the occupation of a tenant, * * * at the request of such tenant, * * * * or the rental value as entered in the property tax assessment book of the local authority has been increased:

Provided that an increase in fair rent under this sub-section shall be fixed having regard to the said increase in the rental value, and in the case of any addition, improvement or alteration, not exceeding six per centum per annum on the cost of such addition, improvement or alteration, and it shall not be chargeable until such addition, improvement or alteration has been completed.

(2) Where the landlord pays in respect of any house any charge for electricity or water consumed in the house, or any other charge levied by a local authority having jurisdiction in the area which is ordinarily payable by the tenant, he may recover from the tenant any amount so paid by him; but no landlord shall recover from his tenant, whether by means of an increase in rent

or otherwise, the amount of any tax on house or land imposed in respect of the house occupied by the tenant.

* * *

(3) Where, after the fair rent of a house has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed.

(4) Any dispute between the landlord and the tenant in regard to any increase or addition or reduction claimed under this section, shall be decided by the Controller.

Landlord not to claim anything in excess of fair rent.

6. When the Controller has determined the fair rent of a house—

(*a*) the landlord shall not claim or receive any premium or other like sum in addition to fair rent or any rent in excess of such fair rent:

Provided that the landlord may stipulate for and receive as advance, an amount not exceeding one month's rent;

(*b*) any agreement for the payment of any sum in addition to rent or of rent in excess of such fair rent, except in cases falling under section 5 or the proviso to clause (*a*) of this section, shall be null and void in respect of such addition or excess and shall be construed as if it were an agreement for payment of the fair rent;

(*c*) except in cases falling under section 5 or the proviso to clause (*a*) of this section, any sum paid in excess of the fair rent, by the tenant, within three months prior to the date of the application for the fixation of fair rent, shall be refunded to the tenant or at the option of the tenant, otherwise adjusted.

Issue of receipts for rent.

7. (1) Every landlord may and at the request of the tenant shall, at the time of receiving the rent, issue a written receipt to the tenant giving full particulars of the month to which the rent relates and the amount received.

(2) If any landlord fails to issue a receipt in accordance with sub-section (1), the tenant may remit to the

landlord the rent on the date it falls due by postal money order deducting the money order commission.

(3) Nothing in sub-section (2) shall prevent the prosecution of any landlord in respect of a contravention of the provisions of sub-section (1).

Eviction of tenants.

8. (1) A tenant in possession of a house shall not be evicted therefrom, whether in execution of a decree or otherwise and whether before or after the termination of the tenancy, except in accordance with the provisions of this section :

Provided that where the tenant denies the title of the landlord or claims right of permanent tenancy, the court shall decide whether the denial or claim is *bona fide* and if it records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a civil court of competent jurisdiction and the said civil court may pass a decree for eviction on any of the grounds mentioned in this section, notwithstanding that the said civil court finds that such denial does not involve forfeiture of the lease :

Provided further that nothing contained in this section shall apply to cases where a landlord has no right to evict under the terms of the lease and any law for the time being in force (other than this Act) governs such lease.

(2) A landlord who seeks to evict a tenant in possession shall apply to the court for a direction in that behalf. If the court, after giving the tenant a suitable opportunity of showing cause against such application, is satisfied—

(i) that the tenant has not tendered or paid the rent due by him in respect of the premises within the time fixed in the agreement of tenancy with the landlord, or in the absence of any such agreement, by the 15th day of the month next following that for which the rent is payable, and is not ready and willing to pay the arrears of rent due with such penalty not exceeding ten per centum thereon as may be fixed by the court, or

(ii) that the tenant is not ready and willing to pay the fair rent of the house for such period thereafter as he may continue to be in possession ; or

(iii) that the tenant has after the commencement of this Act without the written consent of the landlord—

(*a*) transferred his right under the lease or sublet the entire premises or any portion thereof; or

(*b*) used the premises for a purpose other than that for which it was leased; or

(iv) that the tenant has committed such acts of waste as are likely to impair materially the value or utility of the house; or

(v) that the tenant has without the landlord's consent in writing erected on the house or any portion thereof any permanent structure; or

(vi) that the tenant or any person residing with the tenant has been guilty of such acts and conduct as amounts to nuisance or annoyance to the adjoining or neighbouring occupiers or has been convicted of using the house or allowing the house to be used for immoral or illegal purposes; or

(vii) that the tenant has given notice to quit and in consequence of that notice the landlord has contracted to sell or let the house or has taken any other steps, as a result of which he would, in the opinion of the court be seriously prejudiced if he could not obtain possession of the house; or

(viii) that the house was let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment; or

(ix) that the house is reasonably and *bona fide* required by the landlord for carrying out repairs which cannot be carried out without the house being vacated; or

(x) that where the house contains some vacant land such land is reasonably and *bona fide* required by the landlord for the erection of a new residential building; or

(xi) that the house has not been used without reasonable cause for the purpose for which it was let for a continuous period of three months immediately preceding the date of application; or

(xii) that the tenant, after the commencement of this Act, has built, acquired vacant possession of or been allotted a suitable house; or

(xiii) that the tenant has denied the title of the landlord or claimed the right of permanent tenancy and that such denial or claim is not *bona fide*,

the court shall make an order directing the tenant to put the landlord in possession of the house and if the court is not so satisfied, it shall make an order rejecting the application.

(3) (*a*) A landlord may also apply to the court for an order directing the tenant to put him in possession of a house in the following cases:—

(i) if the house, being a residential building, if required for the *bona fide* occupation of the landlord and he is not already occupying another residential building of his own in the same city, town or other area concerned;

(ii) if the house, being a non-residential building, is required for a business which the landlord is carrying on or which he intends to start and he is not already in occupation for purposes of such business of a non-residential building of his own in the same city, town or other area concerned.

(*b*) The court shall, if it is satisfied that the claim of the landlord is *bona fide*, and that the house so required is necessary for his present requirements, make an order directing the tenant to put the landlord in possession of the house on such date as may be specified by the court and if the court is not so satisfied, it shall make an order rejecting the application:

Provided that the court may give the tenant a reasonable time for putting the landlord in possession of the house and may extend such time so as not to exceed three months in the aggregate.

(4) Where a landlord who has obtained possession of a house in pursuance of an order under sub-section (3),

does not himself occupy it within one month of the date of obtaining possession, the tenant who has been evicted may apply to the court for an order directing that he shall be restored to possession of the house and the court shall make an order accordingly.

(5) (*a*) The court shall while passing an order of eviction on the ground specified in clause (ix) of sub-section (2) ascertain from the tenant whether he elects to be placed in occupation of the house or part thereof from which he is to be evicted and if the tenant so elects shall record the fact of such election in the order and specify in the order the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs.

(*b*) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of work of repairs, place the tenant in occupation of the house or part thereof on the original terms and conditions without prejudice however to the landlord's claim for enhancement of rent, if any, admissible under this Act in view of the repairs effected to the house.

(*c*) If, after the tenant had delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs within one month of the specified date or fails to complete the work within a reasonable time or having completed the work fails to place the tenant in occupation of premises in accordance with clause (*b*), the court may on the application of the tenant made within one year of the specified date order the landlord to place him in possession of the house or part thereof on the original terms and conditions and on such an order being made, the landlord or any person who may be in occupation shall give vacant possession to the tenant of the house or portion thereof.

(6) Where an order of eviction has been passed by the court on the ground specified in clause (x) of sub-section (2) and work of erection has not commenced within a period of one month from the date the landlord recovers possession of the house or the house is relet within one year of the said date to any person other than the original tenant, the court may, on the application of the original tenant made within one year of such date, order the landlord to place him in occupation of the house on

the original terms and conditions and on such order being made, the landlord and any person who may be in occupation of the house, shall give vacant possession to the original tenant.

(7) Where the court is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the court may direct that compensation not exceeding one hundred rupees be paid by such landlord to the tenant.

(8) The court may in its discretion in proceedings for eviction under this section, direct that the tenant shall deposit in court such arrears of rent as are admittedly due and such rent as may fall due from time to time during the pendency of the proceedings.

(9) Where an application under sub-section (2) or sub-section (3) for evicting a tenant has been rejected by the court, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds specified in sub-section (2) or sub-section (3) which have arisen after the filing of the last application.

Landlord not to interfere with amenities enjoyed by the tenant.

9. (1) No landlord shall, without just or sufficient cause, cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in occupation of a house may, if the landlord has contravened the provisions of this section, make an application to the court complaining of such contravention.

(3) If the court, on inquiry, finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, it shall make an order directing the landlord to restore such amenities.

(4) The court may in its discretion direct that compensation not exceeding fifty rupees—

(*a*) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously;

(*b*) be paid to the tenant by the landlord, if the landlord had cut off or withheld the amenities frivolously or vexatiously.

(5) If the tenant satisfies the court that the amenities were cut off or withheld with a view to compelling him to vacate the house or to pay an enhanced rent, the court

may pass an interim order directing the landlord to restore the amenities pending inquiry referred to in sub-section (3), within such time as may be specified in the order and on his failure to do so, the tenant may effect such restoration and deduct the cost thereof from the rent or otherwise recover it from the landlord.

Execution of orders.

10. Every order made under section 8 or section 9 and every order passed on appeal under section 15 or in revision under section 17 shall be executed by the court of the Munsiff having jurisdiction in such area as if it were a decree passed by it.

Decisions which have become final not to be reopened.

11. The court shall summarily reject any application under sub-section (2) or under sub-section (3) of section 8 which raises between the same parties or between parties under whom they or any of them claim, substantially the same issues as have been finally decided in a former proceeding under the Mysore House Rent Control Order, 1945, or under the Mysore House Rent and Accommodation Control Order, 1948, or under this Act.

Conversion of residential houses.

12. Save as otherwise provided in this Act, no residential house, shall be converted into a non-residential house except with the permission in writing of the Controller.

Landlord's duty to keep house in good repair.

13. (1) The landlord shall be bound to keep in good and tenantable repair any house to which this Act applies.

* * * *

(2) If the landlord neglects to make, within a reasonable time after notice, any repairs which he is bound to make under sub-section (1), the tenant may make the same himself, and deduct the expenses of such repairs from the rent, or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year, shall not exceed one-twelfth of the rent payable by the tenant for that year.

Orders to be pronounced in open court.

14. Every order passed by a court or the Controller under this Act, shall be pronounced in open court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties.

Appeal to the District Judge.

15. (1) (*a*) Except in respect of orders under section 23, any person aggrieved by an order passed by the court or the Controller may, within fifteen days from the date of the order, prefer an appeal in writing to the District Judge having jurisdiction over the area in which the house is situate.

In computing the fifteen days aforesaid, the time taken to obtain a certified copy of the order appealed against shall be excluded.

(*b*) The provisions of section 5 of the Mysore Limitation Act, 1911, shall be applicable to appeals under this section.

(2) On such appeal being preferred, the District Judge may order stay of further proceedings in the matter pending decision on the appeal.

(3) The District Judge shall send for the records of the case from the court or the Controller, as the case may be, and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as he thinks fit, either personally or through the court or the Controller, as the case may be, shall decide the appeal.

Explanation.—The District Judge may, while confirming the order of eviction passed by the court, grant extension of time to the tenant for putting the landlord in possession of the building.

(4) Subject to any decision of the High Court under section 17, the decision of the District Judge shall be final; and an order of the court or the Controller shall, subject to the decision of the District Judge under this section or of the High Court under section 17, be final and shall not be liable to be called in question in any court of law whether in a suit or other proceedings or by way of appeal or revision.

Costs.

16. Subject to such conditions and limitations, if any, as may be prescribed, the costs of and incident to all proceedings before the court, the Controller or the District Judge * * * shall be in the discretion of the court, Controller or the District Judge who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose.

Explanation.—The District Judge may set aside or vary any order passed by the court or the Controller in regard to the costs of and incident to the proceedings before him.

Revision by the High Court.

17. (1) Except in respect of orders under section 23, the High Court may, at any time, call for and examine the records relating to any decision given or proceeding taken by the District Judge or any order passed or proceeding taken by the court or the Controller under this Act, for the purpose of satisfying itself as to the legality or correctness of such decision, order or proceeding and may pass such order in reference thereto as it thinks fit.

(2) The costs of and incident to all proceedings before the High Court shall be in its discretion.

Orders under the Act to be binding on sub-tenants.

18. Any order for the eviction of a tenant passed under this Act, shall be binding on all sub-tenants under such tenant, whether they were parties to the proceedings or not, provided that such order was not obtained by fraud or collusion.

Proceedings by or against legal representatives.

19. (1) Any application made, appeal preferred, or proceeding taken, under this Act by or against any person, may, in the event of his death, be continued by or against his legal representatives.

(2) Where any application, appeal or other proceeding could have been made, preferred or taken under this Act by or against any person, such application, appeal or other proceeding may, in the event of his death, be made, preferred or taken by or against his legal representatives.

Exemptions.

20. Notwithstanding anything contained in this Act, the State Government may, by notification in the *Mysore Gazette*, exempt any house or class of houses from all or any of the provisions of this Act.

Local authorities to furnish certified extracts from property tax assessment books.

21. * * * Every local authority shall, on application made in this behalf and on payment of such fee, as may, from time to time, be fixed by the State Government by notification in the *Mysore Gazette*, grant to the applicant a certified copy of the extract from the propertytax assessment book of the local authority showing the rental value of the house or houses in

respect of which application has been made, relating to the period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act.

Landlord and tenant to furnish particulars.

22. Every landlord and every tenant of a house shall be bound to furnish to the Controller or any person authorised by him in that behalf, such particulars in respect of the house as may be prescribed.

Power to evict from Government buildings.

23. (1) If the Controller is satisfied—

(*a*) that the person authorised to occupy any Government building has sub-let, without the permission of the State Government or any officer empowered in this behalf by the State Government or the Controller, the whole or any part of such building, or has otherwise acted in contravention of the terms, express or implied under which he is authorised to occupy such building, or

(*b*) that any person is in unauthorised occupation of any Government building,

the Controller may, by notice served by post or otherwise, order that that person as well as any other person who may be in occupation of the whole or any part of the building, shall vacate it within ten days of the service of the notice.

Explanation.—In this sub-section, "Government building" means any house belonging to, or taken on lease or requisitioned by the State Government.

(2) If any person refuses or fails to comply with an order made under sub-section (1), without prejudice to any other action against such person, the Controller may evict that person from, and take possession of, the house and may for that purpose use such force as may be necessary.

(3) Any person aggrieved by an order under sub-section (1), may, within seven days of the receipt thereof, appeal in writing to the State Government, who may, after calling for a report from the Controller and after making such further enquiry, if any, as they think fit, pass an order determining the appeal.

(4) Action may be taken under this section whether or not any proceedings for possession are pending in respect

of the house and upon such action being taken, the said proceedings shall forthwith be vacated.

Penalties.

24. (1) If any person contravenes any of the provisions of sub-section (2) of section 3, any notice under sub-section (3) of section 3, sub-section (2) of section 5, clause (*a*) of section 6, sub-section (1) of section 7, sub-section (1) of section 8, sub-section (1) of section 9, section 12, section 22 or any order under sub-section (1) of section 23, he shall be punishable * * *

* * * * * *

* with fine which may extend to two thousand rupees.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1904, it shall be lawful for any magistrate of the first class, specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding one thousand rupees when awarding punishment under sub-section (1), or for the contravention of any rule made punishable under sub-section (3) of section 25.

Power to make rules.

25. (1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the procedure to be followed by the Controllers, the courts and the District Judges in the performance of their functions under this Act ;

(*b*) the manner in which intimation, notices and orders under this Act shall be given or served ;

(*c*) setting aside *ex parte* orders passed under this Act ;

(*d*) applications for making legal representatives of deceased persons parties to proceedings under this Act and the time within which such applications shall be preferred ;

(*e*) imposition of the levy of fees in respect of applications, petitions, memo of appeal and other processes under this Act.

(3) In making a rule under this section, the State Government may provide that a person who contravenes

any of the provisions thereof shall be punishable with fine which may extend to two thousand rupees.

(4) All rules made under this section shall be published in the *Mysore Gazette*, and upon such publication shall have effect as if enacted in this Act.

Code of Civil Procedure to be followed in proceedings under the Act.

26. In matters not specifically provided for by this Act or by rules made thereunder, the provisions of the Code of Civil Procedure 1911 shall be followed as far as possible in proceedings under this Act.

Continuance in force of existing proceedings, orders, etc.

27. (1) All proceedings commenced and all action taken under the Mysore House Rent and Accommodation Control Order, 1948, and pending at the commencement of this Act, shall, so far as may be, be deemed to have been commenced or taken under the corresponding provisions of this Act and be continued subject to the provisions thereof.

(2) All orders passed and all decisions given under the Mysore House Rent Control Order, 1945, or the Mysore House Rent and Accommodation Control Order, 1948, and in which fair rent has been fixed shall continue in force until they are superseded or modified under this Act by the authority competent to do so.

* * *

Amendment of Schedules.

28. The Government may, by notification in the *Mysore Gazette*, add to or omit or otherwise amend the schedules to this Act.

Repeal.

29. The Mysore House Rent and Accommodation Control Order, 1948, is hereby repealed.

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FIRST SCHEDULE.

[*See Section 2 (4)*].

1. Cities of Bangalore, Mysore and Davangere.
2. Ramachandrapuram Extension near the City of Bangalore.
3. The Kolar Gold Fields Sanitary Board Area.
4. The Towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan, Mandya, Bangarpet, Chintamani, Chikballapur, Tiptur, Harihar, Sagar, Arsikere, Saklespur, Nanjangud and Bhadravati (old).

SECOND SCHEDULE.

[*See Section 3 (1)*].

1. Cities of Bangalore, Mysore and Davangere.
2. Ramachandrapuram Extension near the City of Bangalore.
3. The Towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur. Hassan and Mandya.

G. S. VENKATARAMANA IYER,
Secretary, Mysore Legislature.

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